

HEALTH AND SENIOR SERVICES

DIVISION OF EPIDEMIOLOGY, ENVIRONMENTAL AND OCCUPATIONAL HEALTH

New Jersey Youth Camp Safety Standards

Proposed Readoption: N.J.A.C. 8:25

Authorized By: Clifton R. Lacy, M.D., Commissioner, Department of Health and Senior Services.

Authority: N.J.S.A. 26:12-1 et seq., specifically N.J.S.A. 26:12-5

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2002-350.

Submit written comments by May 30, 2003 to:

Ronald S. Ulinsky, Program Manager
Public Health Sanitation and Safety Program
Consumer and Environmental Health Services
New Jersey Department of Health and Senior Services
PO Box 369
Trenton, New Jersey 08625-0369
Telephone: 1-609-588-3124
Fax: 1-609-584-5370

The agency proposal follows:

Summary

The New Jersey Youth Camp Safety Act found at N.J.S.A. 26:12-1 et seq. authorizes the Department to adopt youth camp safety standards for the purpose of regulating day and residential youth camps. N.J.S.A. 26:12-1 et seq. became effective on January 9, 1974. The New Jersey Youth Camp Safety Standards (N.J.A.C. 8:25) became effective on June 19, 1974. The New Jersey Youth Camp Safety Standards have been readopted with amendments on several occasions since their effective date. The most recent rulemaking action related to the Youth Camp Safety Standards took place on May 4, 1998 when the standards were repealed and new rules were adopted. The repeal and adoption of new rules was initiated to recodify the previous Youth Camp Safety Standards in order to make them consumer friendly as well as to reflect technical changes in the youth camp industry.

The Department issues certification to approximately 700 youth camps in New Jersey annually. These youth camps have the comprehensive capacity to serve 400,000 children under the age of 18 years old.

The Youth Camp Safety Standards are a valuable tool for the prevention of injury and the promotion of health and safety at New Jersey's youth camps. Representatives from the Department of Health and Senior Services (DHSS), the Advisory Council on Youth Camp Safety and local health agencies have reviewed the content of N.J.A.C. 8:25 and determined that it remains necessary, reasonable and proper for the purpose for which it was originally promulgated.

Prior to the expiration of N.J.A.C. 8:25 on October 31, 2003, pursuant to N.J.S.A. 52:14B-51c, the Department of Health and Senior Services is proposing to readopt the New Jersey Youth Camp Safety Standards without change.

As the Department has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3 (A) 5.

The rules proposed for readoption are summarized as follow:

Subchapter 1, General Provisions, sets forth the purpose, scope, waiver provisions and defines the terms used in this chapter.

Subchapter 2, Certificate of Approval, sets forth procedures for obtaining written approval and renewal to operate a day and resident youth camp. It also sets forth liability insurance requirements.

Subchapter 3, Administration, concern policies and practices for discipline of campers; groupings according to age; reporting of child abuse; staffing qualifications; and training specifications.

Subchapter 4, Physical Plant and Environment, governs site location; new construction specifications; heating requirements for permanent structures; and safety and maintenance of equipment.

Subchapter 5, Health, sets forth the rules for establishing a medical program, the qualifications of health director, administration of medications. It also sets forth the definition of first aid equipment, and the requirements for maintenance of health records for staff and campers.

Subchapter 6, Safety, governs emergency procedures, specifically, the handling of hazards materials, and fire safety. No change.

Subchapter 7, Food and Water, sets forth the rules governing food preparation as well as the requirements for potable water and water sampling records.

Subchapter 8, Transportation, governs transportation of campers; safety specifically safety practices on buses or vehicles; vehicle insurance; recordkeeping; safety drills and requirements for transporting physically handicapped, non-ambulatory campers.

Subchapter 9, Waterfront Safety, sets forth the safety supervision requirements for water craft activities.

Subchapter 10, Sanitation, sets forth the requirements for plumbing; sewer; storm drain disposal; sanitary specifications for toilet facilities; and provisions for privies and pit toilets in wilderness areas.

Subchapter 11, Water Closets and Showers, concerns building requirements for housing water closets or showers; use of portable showers; and prohibits use of common towels.

Subchapter 12, Solid waste, governs the collection; storage; and disposal of solid waste and recycling.

Subchapter 13, Miscellaneous, governs electrical requirements; construction code requirements; insect, rodent and weed control; handling of farm animals; and maintenance of buildings and equipment.

Subchapter 14, Enforcement Procedures, sets forth the legal authority; procedures for inspecting youth camps; provisions for revocation of license to operate; penalties; and hearings.

Social Impact

The protection of children attending summer youth camps is an ongoing concern, especially with the increase in demand for child day care. The number of youth camps licensed and inspected by the New Jersey Department of Health and Senior Services has increased over the years to the present number of 700. The types of activities and services provided by youth camps have expanded from the traditional swimming and target sports; that is, archery and riflery, and field sports to include rope courses, motor cross, and specialized sports camps. The changes in trends for more youth camps and expanded services reinforce the necessity for minimum health and safety standards.

Economic Impact

The economic impact of these rules is extremely varied and not easily quantified. Actual costs for conducting youth camps depend upon the type of camp conducted; for example, sports, specialized populations, and scouting. The cost varies according to the size of the camp, the number of staff required to maintain the camp, and the type and number of activities offered at the camp.

Administrative costs associated with enforcing the provisions of these rules also vary, but primarily concern inspection activities. However, because these rules are proposed without changing the existing rules, the Department foresees no substantive economic impact upon the industry by virtue of this proposal.

Federal Standards Statement

The rules proposed for readoption are not promulgated under the authority of, or in order to implement, comply with, or participate in any program established under Federal law, or under a State statute that incorporates or refers to Federal law, standards, or requirements.

Jobs Impact

The Department of Health and Senior Services believes that the rules proposed for readoption without change will not generate or result in the loss of jobs. Existing jobs at youth camps will be preserved, yet no new positions are envisioned.

Agriculture Industry Impact

The Department anticipates that the rules proposed for readoption will have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Analysis

The existing Youth Camp Safety Standards impact approximately 700 youth camps, many of which can be considered small businesses under the requirements on youth camps.

With respect to recordkeeping requirements, the rules proposed for readoption continue to require that the youth camp maintain, on site and while camp is in session, personnel policies and procedures, job description, disciplinary policies, emergency procedures, daily health surveillance, lost camper and lost swimmer policies, medical history for all campers and staff, medical treatment records, parental consent or declination of medical treatment, water sampling results and transportation routes.

With respect to other compliance requirements, the rules proposed for readoption continue to require new camps to obtain a certificate of approval from the Department and for all camps to renew their certificate to operate on an annual basis. A waiver of standards process was established to allow variations to standards that do not endanger the safety or health of campers. Staffing ratios of counselors to campers are defined as well as background checks, orientation, and training. The medical program is under the direction of a physician and the qualifications of the health director for both a day and resident camp are clearly defined. First Aid equipment is clearly defined and emergency drill and fire drills are conducted at prescribed times. The care and maintenance of fire fighting equipment is defined as well as obtaining an inspection from the Fire Marshall. Food safety and nutritional standards are specified to insure the dietary needs of each camper are met. Each camp is to carry liability insurance. Any new construction, heating equipment, plumbing or electrical systems requires compliance with the uniform construction codes and local zoning ordinances. Sewer and storm lines must be installed according to State standards. Toilet facilities are defined for both day and resident camps. The construction and maintenance of pit toilets for wilderness camps are defined. The construction and maintenance of showers are defined and provisions for use of portable showers must comply to existing State standards. Hazardous substances are stored according to State and local standards. Resident camps have specific requirements for sleeping quarters. Health centers are required for temporary isolation or treatment of campers. Permits to dig a well or install a septic system must be in compliance with Department of Environmental Protection regulations. Vehicle supervision, safety equipment, insurance are specified. The Division of Motor Vehicles must inspect all camp vehicles used to transport children. Provisions for transporting physically handicapped, non-ambulatory campers are defined. Waterfront safety standards must be conducted at a designated public

recreational bathing place that conforms to State standards. Qualifications of waterfront staff are defined for instructional and recreational swimming activities. The ratio of lifeguards to campers is specified. Supervision of bathers on off-site swimming activities is defined. Assessment of the campers swimming ability, and conducting buddy checks during free swim periods is specified. Supervision and safety equipment are defined for watercraft activities. Collection, storage, and disposal of solid waste and recycling are defined. Provisions for insect, rodent and weed control are defined. Property maintenance of interior and exterior surfaces of buildings, plumbing and recreational equipment must be kept in good repair and clean for safety reasons.

Additionally, the rules proposed for readoption will continue to require camps to report to the Department the occurrence of any accident resulting in death or serious injury on or before October 1 of each year. Also, the Department requires notification within 24 hours of occurrence, of any death, head, neck or spinal cord injury, and any injury, which renders a camper unconscious.

The professional services needed to comply with the rules have not changed. It will be necessary for a camp to utilize the professional services of engineers, architects, attorneys, and physicians at various times; however, prudent business practice would dictate the use of such services in any event.

No differentiation based on business size can be made in these rules due to the need to protect the public health. The health, welfare, and safety of New Jersey's youth is of paramount importance and, to ensure the well-being of campers, the Department does not believe that differentiation among youth camps based on their business size is appropriate.

Smart Growth Impact

The rules proposed for readoption will have no impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 8:25.